

SIXTEENTH DAY - JANUARY 30, 2003

LEGISLATIVE JOURNAL

**NINETY-EIGHTH LEGISLATURE
FIRST SESSION**

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 30, 2003

PRAYER

The prayer was offered by Senator Burling.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Bromm presiding.

The roll was called and all members were present except Senators Brown, Combs, Foley, Landis, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

**SELECT COMMITTEE REPORT
Enrollment and Review**

LEGISLATIVE BILL 306. Placed on Select File as amended.
E & R amendment to LB 306:
AM7009

- 1 1. In the Stuhr amendment, AM0119, on page 23, line 3,
- 2 after "37-1217" insert a comma.
- 3 2. In lieu of the Schrock amendment, FA1150, in the
- 4 Stuhr amendment, AM0119:
- 5 a. Insert the following new section:
- 6 "Sec. 23. This act becomes operative on July 1, 2004.";
- 7 and
- 8 b. Renumber the remaining section accordingly.
- 9 3. On page 1, line 7, after the semicolon insert "to
- 10 provide an operative date;".

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 53. Placed on General File as amended.
Standing Committee amendment to LB 53:
AM0110

1 1. On page 3, line 4, strike "equal to" and insert "not
2 less than"; and in line 6 after "merger" insert ", except that if
3 the appropriation for core services funds for either of the two
4 fiscal years following the fiscal year in which the merger takes
5 place is less than the appropriation for such funds for the fiscal
6 year immediately preceding the merger, core services funds shall be
7 reduced by a percentage equal to the ratio of the difference of
8 such appropriation for the fiscal year immediately preceding the
9 merger minus the appropriation for the fiscal year in question
10 divided by the appropriation for the fiscal year immediately
11 preceding the merger".

LEGISLATIVE BILL 181. Placed on General File as amended.
Standing Committee amendment to LB 181:
AM0065

1 1. Insert the following new section:
2 "Sec. 5. Section 32-618, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 32-618. (1) The number of signatures of registered
5 voters needed to place the name of a candidate upon the nonpartisan
6 ballot for the general election shall be as follows:
7 (a) For each nonpartisan office other than members of the
8 Board of Regents of the University of Nebraska and board members of
9 a Class III school district, at least ten percent of the total
10 number of registered voters voting for Governor or President of the
11 United States at the immediately preceding general election in the
12 district or political subdivision in which the officer is to be
13 elected. If the district in which the petitions are circulated
14 comprises more than two counties, at least twenty-five signatures
15 shall be obtained in each county comprising the district;
16 (b) For members of the Board of Regents of the University
17 of Nebraska, at least ten percent of the total number of registered
18 voters voting for Governor or President of the United States at the
19 immediately preceding general election in the regent district in
20 which the officer is to be elected, not to exceed one thousand. If
21 the regent district in which the petitions are circulated comprises
22 more than two counties, at least twenty-five signatures shall be
23 obtained in each of two-fifths of the counties comprising the
24 district; and
1 (c) ~~(b)~~ For board members of a Class III school district,
2 at least twenty percent of the total number of votes cast for the
3 board member receiving the highest number of votes at the
4 immediately preceding general election in the school district.

- 5 (2) The number of signatures of registered voters needed
 6 to place the name of a candidate upon the partisan ballot for the
 7 general election shall be as follows:
 8 (a) For each partisan office to be filled by the
 9 registered voters of the entire state, at least two thousand;
 10 (b) For each partisan office to be filled by the
 11 registered voters of a county or political subdivision other than a
 12 township or precinct, at least twenty percent of the total vote for
 13 Governor or President of the United States at the immediately
 14 preceding general election within the county or political
 15 subdivision, not to exceed two thousand; and
 16 (c) For each partisan office to be filled by the
 17 registered voters of a township or precinct, fifty.
 18 The number of signatures shall not be required to exceed
 19 one-fourth of the total number of registered voters voting for the
 20 office at the immediately preceding general election when the
 21 nomination is for a partisan office to be filled by the registered
 22 voters of a county, township, or precinct."
 23 2. On page 2, lines 10, 16, and 21, strike "sixty" and
 24 insert "seventy-five".
 25 3. On page 4, line 10, after "32-571" insert "
 26 32-618,".
 27 4. Renumber the remaining sections accordingly.

(Signed) Ron Raikes, Chairperson

AMENDMENT - Print in Journal

Senator Raikes filed the following amendment to LB 540:
 AM0135

- 1 1. On page 3, line 22, strike "15", show as stricken,
 2 and insert "30".
 3 2. On page 13, line 22; page 15, line 18; and page 18,
 4 line 15, strike "2003-04" and insert "2002-03".
 5 3. On page 13, line 23; and page 19, line 9, strike
 6 "2004-05 and 2005-06" and insert "2003-04 and 2004-05".
 7 4. On page 16, lines 1 and 2, strike "2004-05 or
 8 2005-06" and insert "2003-04 or 2004-05".
 9 5. On page 20, line 5, strike "May 1, 2002", show as
 10 stricken, and insert "June 15, 2003".

2002 INTERIM REPORT ON THE DISPOSITION OF INTERIM STUDY RESOLUTIONS

Agriculture

LR Subject

338 Financial interests of participants in livestock
 marketings

Completed
 No Report Issued

339	Examine revenue needed to fund ethanol production incentives	Completed Report Issued
387	Examine impacts of market concentration in ag markets	Completed No Report Issued
388	Study vulnerability of food systems to agroterrorism	Completed No Report Issued
424	Study methods to increase biofuel consumption in Nebraska	Completed No Report Issued
389	Country-of-origin labeling	Completed No Report Issued
337	Implications of federal court decisions for commodity checkoff programs	Deferred
441	Examine impacts of expanding the brand inspection area	Completed No Report Issued
390	Implementation of recommendations of the Carbon Sequestration Advisory Committee	Deferred
342	Pesticide use in schools	Completed No Report Issued

Appropriations

LR Subject

325	Examine zero base budgeting	Completed No Report Issued
326	Oversight of fed funds (terrorism) (Joint Committees)	Completed No Report Issued
347	Norfolk Regional Center	Deferred
401	Landfill Monitoring/Remediation (Joint Committees)	Deferred
410	Medicaid issues (Joint Committees)	Completed No Report Issued
456	Cost Allocation of PSC	Completed No Report Issued

Banking, Commerce and Insurance**LR Subject**

367	Uniform Trust Code	Completed Report Issued
397	Common-law Liens	Completed No Report Issued
409	Insurance for Reproductive Diseases	Deferred
366	Agricultural Statutory Liens	Deferred

Business and Labor**LR Subject**

412	Ag exemption in workers' compensation	Completed Report Issued
426	Workers' Compensation Court Funds	Completed No Report Issued
362	Public employees collective bargaining process	Deferred
427	Workers' Compensation Court oversight of self-insured employers	Completed Report Issued
422	Minimum Wage in Nebraska	Deferred
418	Nebraska's employment security laws	Completed Report Issued
419	Workplace Safety Consultation Program	Completed Report Issued
421	Three judge panel review under Workers' Compensation Court	Completed No Report Issued
364	Nebraska's contractor registration law	Deferred

Education**LR Subject**

324	Examine state aid to schools	Deferred
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329	Immigration status	Completed No Report Issued
371	Clarify eligibility of ESU board candidates	Deferred
391	Accrediting of ESU's	Deferred
394	Formula needs component of state aid formula	Completed No Report Issued
423	Certification status of coaches	Deferred
455	Study of vocational programs	Deferred
465	Examine Education Innovation Fund	Deferred

General Affairs

LR Subject

428	Issuance and use of special designated licenses	Completed No Report Issued
432	Feasibility of reclassifying the liquor licensing system	Completed No Report Issued
433	Nebraska Lottery and Raffle Act and the Nebraska Small Lottery and Raffle Act	Completed No Report Issued
431	Alcoholic liquor sales in Whiteclay, NE	Completed No Report Issued
378	Determine which penalties most effectively deter underage consumption of alcoholic liquor	Deferred
430	Study a system for tracking cemetery locations in the state	Deferred
429	Charitable gaming in Nebraska	Deferred

Government, Military and Veterans Affairs

LR Subject

320	Examine methods of making state and local government more efficient and cost effective	Completed No Report Issued
326	Examine how to provide legislative oversight	Completed

	of federal funds allocated to the state to prepare for possible acts of terrorism (Joint Committees)	No Report Issued
335	Examine consolidation of government, especially consolidation of political subdivisions	Completed No Report Issued
336	Examine implementation of a unified statewide voter registration system	Completed No Report Issued
344	Examine issues within the jurisdiction of the Government, Military, & Veterans Affairs Committee of the Legislature	Completed No Report Issued
377	Study of classified and non-classified employees in the State Personnel System	Completed No Report Issued
380	Examine issues raised by introduction of bills relating to the County Purchasing Act	Completed No Report Issued
399	Examine issues relating to private contracting for personal services (Joint Committees)	Completed Report Issued
420	Study of Nebraska's Employee Suggestion System	Completed No Report Issued
447	Study of issues relating to the local lodging tax	Completed No Report Issued
452	Determine whether an alternative method under the Administrative Procedures Act is warranted for bringing forth a claim	Completed No Report Issued

Health and Human Services

LR Subject

321	Review the growth in Medicaid expenditures	Completed No Report Issued
332	Examine LB 396, 2001, which would enact the Advanced Practice Registered Nurse Act	Completed No Report Issued
333	Determine which health care fields have shortages of professionals to provide health care	Completed No Report Issued
346	Examine issues raised by introduction of	Completed

	LB 399, 2001, the Outpatient Surgical Procedures Data Act	No Report Issued
350	Examine the administrative and personnel structure of the Health and Human Services System	Completed No Report Issued
352	Examine changing the age of majority from nineteen to eighteen years	Completed No Report Issued
355	Determine how the Department of Health and Human Services can improve its cost effectiveness in providing services	Completed No Report Issued
370	Identify issues relating to the operation of child advocacy centers	Completed No Report Issued
382	Examine the process used by the health and human services system to designate children as not eligible for Title IV-E federal funds	Completed No Report Issued
410	Study to conduct research and develop recommendations relating to Medicaid	Completed No Report Issued
411	Examine health and human services issues	Completed No Report Issued
415	Examine issues relating to health care professionals	Completed No Report Issued
443	Study of the requirements for emergency medical technician certification	Completed No Report Issued

Judiciary

LR Subject

322	Correctional Services Expenditures	Completed No Report Issued
349	Correctional System Rehabilitative Services	Completed No Report Issued
351	Emancipation of a Minor	Completed No Report Issued
361	Nebraska Crime Victim's Reparations Act	Completed No Report Issued

363	Internet Child Enticement	Completed No Report Issued
365	Juvenile Services Grant Funds and County Juvenile Services Aid Program	Completed No Report Issued
375	Nebraska Court System Fee Structure	Completed No Report Issued
376	Sheriff's Fees	Completed No Report Issued
379	Notaries Public	Completed No Report Issued
381	Protection and Safety System, Children and Family Services and Juvenile Services	Completed No Report Issued
392	Rewrite of Juvenile Code	Completed No Report Issued
393	Community Corrections	Completed No Report Issued
396	Methamphetamine	Completed No Report Issued
398	Prejudgment and Postjudgment Interest and Attorney's Fees	Completed No Report Issued
400	Child Support Guidelines	Completed No Report Issued
402	Parole and Correctional Population Management and Staffing	Completed No Report Issued
413	Guest Statute	Completed No Report Issued
436	Tribal Land and Multijurisdictional Law Enforcement Agency Funding	Completed No Report Issued
442	Uniform Mediation Act	Completed No Report Issued

Natural Resources**LR Subject**

340	Develop a professional licensing program relating to the wastewater treatment systems industry	Completed No Report Issued
343	To seek solutions to the barriers to the development of renewable energy	Completed No Report Issued
345	To examine the recycling of hazardous wastes into fertilizers	Completed No Report Issued
356	To examine the Game and Parks Commission's operations of the State Park System	Completed No Report Issued
357	To examine the federal Clean Water Act as it relates to the state of Nebraska	Completed No Report Issued
358	To examine problems associated with disposal of used electronic equipment	Deferred
359	To conduct a review of the scrap tire program	Deferred
360	To conduct a review of environmental recycling and waste reduction grant programs	Deferred
373	To develop legislation to reduce air emissions from power plants	Completed No Report Issued
384	To examine the federal Safe Drinking Water Act as it relates to the state of Nebraska	Completed No Report Issued
401	To examine long-term landfill closure monitoring and remediation expenses	Deferred
425	To study the potential economic impacts of a credit trading mechanism under the proposed renewable fuel standard considered by Congress	Completed No Report Issued
434	To review existing law and the need for legislation regarding the predatory pricing of motor fuel	Completed No Report Issued
440	To study the environmental effects and other issues relating to the Livestock Waste Management Act	Completed No Report Issued

Nebraska Retirement Systems**LR Subject**

408	Nebraska Investment Council	Completed Report Issued
383	Deferred Retirement Option Plans	Completed Report Issued

Revenue**LR Subject**

469	In-depth study of state and local tax system	Completed Report Issued
403	Overall tax system	Completed Report Issued
450	Budget and levy limits	Completed Report Issued
323	Effectiveness of state aid to local governments	Completed Report Issued
435	Tax reform	Deferred
385	Tax simplification	Deferred
448	Assessment of public property not used for a public purpose	Deferred
406	Effectiveness of LB 775	Deferred
445	Effectiveness of tax incentives	Deferred
341	Financing ethanol incentives	Completed Report Issued
404	Equalization of ag land subject to special valuation	Completed No Report Issued
372	Telecommunications taxation	Completed No Report Issued
405	Streamlined sales tax	Completed No Report Issued
417	Tax incentives for historical preservation	Deferred

Transportation and Telecommunications**LR Subject**

318	Telephone solicitations	Deferred
328	Cash Funding PSC	Deferred
331	Highway Transportation overage regulations	Deferred
334	Unsolicited electronic mail	Deferred
353	Administrative license revocation	Completed No Report Issued
354	City and village authority to require railroads to maintain railroad crossings	Deferred
368	DUI repeat offenders	Completed No Report Issued
369	DUI recodification	Completed No Report Issued
374	Automobile consumer protection	Deferred
407	In Transit decals on motor vehicles	Deferred
414	Process for Department of Roads' projects	Completed No Report Issued
437	General issues of the Committee	Deferred
438	Tire debris on Nebraska's highways	Deferred
439	Fitness of CDL licensees with change in health	Completed No Report Issued
453	Recodification of motor vehicle titling and registration laws	Deferred
456	Cash Funding PSC	Deferred

Urban Affairs**LR Subject**

446	Amending the State Building Code (Issues of LB 811, 2001)	Completed No Report Issued
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416	Issues of state-centralized natural gas rate regulation	Completed No Report Issued
464	Governance structure of the Metropolitan Area Transit Authority	Completed No Report Issued
444	Issues relating to the structure of local municipal governments	Completed No Report Issued
449	General study of matters within the jurisdiction of the Urban Affairs Committee	Completed No Report Issued

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1.

A BILL FOR AN ACT relating to the Teacher Salary Task Force; to eliminate provisions governing the task force which terminated on December 31, 2000; and to outright repeal sections 79-8,118 to 79-8,123, Revised Statutes Supplement, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Aguilar	Cudaback	Johnson	Pederson, D.	Stuthman
Baker	Cunningham	Jones	Price	Synowiecki
Beutler	Engel	Kremer	Quandahl	Thompson
Bourne	Erdman	Louden	Raikes	Vrtiska
Brashear	Friend	Maxwell	Redfield	Wehrbein
Bromm	Hartnett	McDonald	Schimek	
Burling	Hudkins	Mines	Schrock	
Byars	Janssen	Mossey	Smith	
Connealy	Jensen	Pedersen, Dw.	Stuhr	

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Kruse	Preister
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Excused and not voting, 5:

Brown	Combs	Foley	Landis	Tyson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 2.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-101, Revised Statutes Supplement, 2002; to reference statutes within the named act; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Price	Synowiecki
Brashear	Erdman	Kruse	Quandahl	Thompson
Bromm	Friend	Louden	Raikes	Vrtiska
Burling	Hartnett	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Preister

Excused and not voting, 4:

Brown Foley Landis Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 3.

A BILL FOR AN ACT relating to gaming; to amend sections 9-203, 9-303, 9-403, and 9-603.01, Reissue Revised Statutes of Nebraska, and section 9-603, Revised Statutes Supplement, 2002; to correct internal references; to transfer a definitional section; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Combs	Janssen	Mines	Schrock
Baker	Connealy	Jensen	Mossey	Smith
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Jones	Pederson, D.	Stuthman
Brashear	Engel	Kremer	Price	Synowiecki
Bromm	Erdman	Kruse	Quandahl	Thompson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 4:

Brown	Foley	Landis	Tyson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Senator Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 4.

A BILL FOR AN ACT relating to liens; to amend sections 52-1302, 52-1313, 52-1318, and 52-1602, Reissue Revised Statutes of Nebraska, section 52-1307, Revised Statutes Supplement, 2002, and sections 9-315, 9-320, 9-529, and 9-531, Uniform Commercial Code; to correct internal references relating to the filing system for farm product security interests; to delete obsolete provisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Combs	Jensen	Mossey	Smith
Baker	Connealy	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Jones	Pederson, D.	Stuthman
Bourne	Cunningham	Kremer	Price	Synowiecki
Brashear	Engel	Kruse	Quandahl	Thompson
Bromm	Erdman	Louden	Raikes	Tyson
Burling	Friend	Maxwell	Redfield	Vrtiska
Byars	Hudkins	McDonald	Schimek	Wehrbein
Chambers	Janssen	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 4:

Brown	Foley	Hartnett	Landis
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 5.

A BILL FOR AN ACT relating to airports; to amend section 3-201, Reissue Revised Statutes of Nebraska, and sections 3-501, 3-508, and 3-513, Revised Statutes Supplement, 2002; to correct internal references to the Cities Airport Authorities Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Combs	Jensen	Mossey	Schrock
Baker	Connealy	Johnson	Pedersen, Dw.	Smith
Beutler	Cudaback	Jones	Pederson, D.	Stuhr
Bourne	Cunningham	Kremer	Preister	Stuthman
Brashear	Engel	Kruse	Price	Synowiecki
Bromm	Erdman	Louden	Quandahl	Thompson
Burling	Friend	Maxwell	Raikes	Tyson
Byars	Hudkins	McDonald	Redfield	Vrtiska
Chambers	Janssen	Mines	Schimek	Wehrbein

Voting in the negative, 0.

Excused and not voting, 4:

Brown Foley Hartnett Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 6.

A BILL FOR AN ACT relating to insurance; to amend sections 44-5237.01, 44-5242, 44-6904, and 44-6908, Reissue Revised Statutes of Nebraska, and section 44-4206.02, Revised Statutes Supplement, 2002; to correct references to federal law; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 7 with 42 ayes, 2 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 7.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-121, 85-121.03, 85-943, 85-966.01, 85-1412, 85-1413, and 85-1414, Reissue Revised Statutes of Nebraska; to repeal obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 85-121.05, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 8.

A BILL FOR AN ACT relating to the Nebraska Commission on Local Government Innovation and Restructuring; to amend sections 77-913 and 81-1113, Revised Statutes Supplement, 2002; to repeal provisions that terminated on July 1, 2000; to harmonize provisions; to repeal the original sections; and to outright repeal sections 13-2301 to 13-2304, 13-2306, and 13-2307, Reissue Revised Statutes of Nebraska, and section 13-2305, Revised Statutes Supplement, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 9.

A BILL FOR AN ACT relating to budgets; to amend section 13-519, Revised Statutes Supplement, 2002; to delete obsolete provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 10.

A BILL FOR AN ACT relating to the Reorganized School Assistance Fund; to repeal the fund which terminated on September 2, 1999; and to outright repeal section 79-1010.01, Revised Statutes Supplement, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 11.

A BILL FOR AN ACT relating to the Accounting Division Cash Fund; to repeal provisions that terminated on July 1, 2000; and to outright repeal section 81-1110.02, Revised Statutes Supplement, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 12.

A BILL FOR AN ACT relating to the Education and Career Preparation Task Force; to repeal provisions relating to the task force which terminated on December 31, 2000; and to outright repeal sections 79-763 to 79-770, Revised Statutes Supplement, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 67 with 42 ayes, 1 nay, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 67. With Emergency.

A BILL FOR AN ACT relating to education; to amend sections 10-704, 79-4,102, 79-527, 79-554, 79-1303, 79-1305 to 79-1307, and 79-1324, Reissue Revised Statutes of Nebraska, and sections 79-101, 79-2,135, 79-528, 79-565, 79-598, 79-602, 79-1007.02, 79-1022, 79-1023, 79-1024, 79-1026 to 79-1029, 79-1070, 79-1083.02, 79-1083.03, 79-10,110, 79-1135, 79-1155, 79-1156, and 79-1167, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to bonds, elections, education, transportation, state aid, special education, and educational technology; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; to outright repeal sections 79-4,105, 79-1308, 79-1309, and 79-1311, Reissue Revised Statutes of Nebraska, and sections 79-4,106, 79-763 to 79-770, 79-8,118 to 79-8,123, and 79-1010.01, Revised Statutes Supplement, 2002; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown Hartnett

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 68.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 85-105, 85-108, 85-112, 85-118, 85-131, 85-132, 85-194, and 85-1,119, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to and to provide for governance; to eliminate provisions relating to University Hospital and the College of Medicine; to harmonize provisions; to repeal the original sections; and to outright repeal sections 85-110, 85-112.01, 85-112.02, 85-113, 85-139, 85-172, 85-178, 85-184, 85-185, 85-190, 85-1,118, 85-1,120, 85-1,121, and 85-1,124, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Excused and not voting, 2:

Brown Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 70. With Emergency.

A BILL FOR AN ACT relating to liens; to amend section 52-1603, Reissue Revised Statutes of Nebraska; to change provisions relating to the master lien list; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Johnson	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Pederson, D.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Bourne	Engel	Kruse	Price	Thompson
Brashear	Erdman	Landis	Quandahl	Tyson
Bromm	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	
Combs	Jensen	Mossey	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 1:

Hartnett

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 71.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend section 45-338, Revised Statutes Supplement, 2002; to change provisions relating to the Nebraska Installment Sales Act; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Aguilar	Combs	Jensen	Mossey	Smith
Baker	Connealy	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Jones	Pederson, D.	Stuthman
Bourne	Cunningham	Kremer	Preister	Synowiecki
Brashear	Engel	Kruse	Price	Thompson
Bromm	Erdman	Landis	Quandahl	Tyson
Brown	Foley	Louden	Raikes	Vrtiska
Burling	Friend	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Chambers	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 1:

Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 103.

A BILL FOR AN ACT relating to rules of the road; to amend section 60-6,294.01, Reissue Revised Statutes of Nebraska; to change the speed limit for agricultural floater-spreader implements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Connealy	Jensen	Mossey	Schrock
Baker	Cudaback	Jones	Pedersen, Dw.	Smith
Bourne	Cunningham	Kremer	Pederson, D.	Stuhr
Brashear	Engel	Kruse	Preister	Stuthman
Bromm	Erdman	Landis	Price	Synowiecki
Brown	Foley	Louden	Quandahl	Thompson
Burling	Friend	Maxwell	Raikes	Tyson
Byars	Hudkins	McDonald	Redfield	Vrtiska
Combs	Janssen	Mines	Schimek	Wehrbein

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Chambers	Johnson
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Excused and not voting, 1:

Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 106.

A BILL FOR AN ACT relating to the Minority Scholarship Program Act; to amend section 85-9,181, Revised Statutes Supplement, 2002; to change fund use and administration procedures; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Aguilar	Combs	Janssen	Mines	Schrock
Baker	Connealy	Jensen	Mossey	Smith
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Jones	Pederson, D.	Stuthman
Brashear	Engel	Kremer	Preister	Synowiecki
Bromm	Erdman	Kruse	Price	Thompson
Brown	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 137. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,297, Reissue Revised Statutes of Nebraska; to change towing restrictions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Aguilar	Combs	Janssen	Mines	Schrock
Baker	Connealy	Jensen	Mossey	Smith
Beutler	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Bourne	Cunningham	Jones	Pederson, D.	Stuthman
Brashear	Engel	Kremer	Preister	Synowiecki
Bromm	Erdman	Kruse	Price	Thompson
Brown	Foley	Landis	Quandahl	Tyson
Burling	Friend	Louden	Raikes	Vrtiska
Byars	Hartnett	Maxwell	Redfield	Wehrbein
Chambers	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 182.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-1407 and 60-1422, Reissue Revised Statutes of Nebraska; to change provisions relating to motor vehicle dealer franchises; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Aguilar	Connealy	Jensen	Mossey	Smith
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Jones	Pederson, D.	Stuthman
Bourne	Engel	Kremer	Preister	Synowiecki
Brashear	Erdman	Kruse	Price	Thompson
Bromm	Foley	Landis	Quandahl	Tyson
Brown	Friend	Louden	Raikes	Vrtiska
Burling	Hartnett	Maxwell	Redfield	Wehrbein
Byars	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 1:

Chambers

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 67, 68, 70, 71, 103, 106, 137, and 182.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 45. Placed on General File as amended.
Standing Committee amendment to LB 45:
AM0042

- 1 1. Strike original sections 1 to 11 and 13 and insert
- 2 the following new section:
- 3 "Sec. 2. Original section 71-5713, Reissue Revised
- 4 Statutes of Nebraska, is repealed."
- 5 2. Renumber the remaining section accordingly.

(Signed) Jim Jensen, Chairperson

NOTICE OF COMMITTEE HEARING
Natural Resources
Room 1525

LB 619 Thursday, February 6, 2003

1:30 p.m.

(Signed) Ed Schrock, Chairperson

GENERAL FILE

LEGISLATIVE BILL 122. Senator Chambers renewed his pending motion, found on page 339, to reconsider the vote.

SENATOR CUDABACK PRESIDING

Senator Chambers withdrew his motion.

Senator Schrock offered the following amendment:
AM0132

- 1 1. On page 2, strike beginning with "not" in line 11
- 2 through "and" in line 12 and show the old matter as stricken; and
- 3 in line 12 strike "four" and insert "three".

The Schrock amendment was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 35 ayes, 1 nay, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 19. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Stuthman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 20. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 47. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Senator Erdman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 48. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 191. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 192. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 281. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 295. Title read. Considered.

Senator Baker offered the following amendment:
AM0104

1 1. Strike section 1 and insert the following new
2 sections:
3 "Section 1. Section 77-112, Revised Statutes Supplement,
4 2002, is amended to read:
5 77-112. Actual value of real property for purposes of
6 taxation means the market value of real property in the ordinary
7 course of trade. Actual value may be determined using
8 professionally accepted mass appraisal methods, including, but not
9 limited to, the (1) sales comparison approach using the guidelines
10 in section 77-1371, (2) income approach, and (3) cost approach.
11 Sec. 3. Section 77-1371, Revised Statutes Supplement,
12 2002, is amended to read:
13 77-1371. Comparable sales are recent sales of properties
14 that are similar in important physical, functional, and location
15 characteristics to the property being assessed. When using
16 comparable sales in determining actual value of an individual
17 property under the sales comparison approach provided in section
18 77-112, the following guidelines shall be considered in determining
19 what constitutes a comparable sale:
20 (1) Whether the sale was financed by the seller and
21 included any special financing considerations or the value of
22 improvements;
23 (2) Whether zoning affected the sale price of the
24 property;
25 (3) For sales of agricultural land or horticultural land
2 as defined in section 77-1359, whether a premium was paid to
3 acquire nearby property. Land within one mile of currently owned
4 property shall be considered nearby property;
5 (4) Whether sales or transfers made in connection with
6 foreclosure, bankruptcy, or condemnations, in lieu of foreclosure,
7 or in consideration of other legal actions should be excluded from
8 comparable sales analysis as not reflecting current market value;
9 (5) Whether sales between family members within the third
10 degree of consanguinity include considerations that fail to reflect
11 current market value;
12 (6) Whether sales to or from federal or state agencies or
13 local political subdivisions reflect current market value;
14 (7) Whether sales of undivided interests in real property
15 or parcels less than forty acres or sales conveying only a portion
16 of the unit assessed reflect current market value;
17 (8) Whether sales or transfers of property in exchange
18 for other real estate, stocks, bonds, or other personal property
19 reflect current market value;
20 (9) Whether deeds recorded for transfers of convenience,
21 transfers of title to cemetery lots, mineral rights, and rights of
22 easement reflect current market value;
23 (10) Whether sales or transfers of property involving
24 railroads or other public utility corporations reflect current
25 market value;

- 26 (11) Whether sales of property substantially improved
27 subsequent to assessment and prior to sale should be adjusted to
1 reflect current market value or eliminated from such analysis; and
2 (12) For agricultural land or horticultural land as
3 defined in section 77-1359 which is or has been receiving the
4 special valuation pursuant to sections 77-1343 to 77-1348, whether
5 the sale price reflects a value which the land has for purposes or
6 uses other than as agricultural land or horticultural land and
7 therefor does not reflect current market value of other
8 agricultural land or horticultural land.
9 The Property Tax Administrator may issue guidelines for
10 assessing officials for use in determining what constitutes a
11 comparable sale. Guidelines shall take into account the factors
12 listed in this section and other relevant factors as prescribed by
13 the Property Tax Administrator."
14 2. On page 3, line 25, strike "77-1359 and 77-1361" and
15 insert "77-112, 77-1361, and 77-1371".
16 3. Renumber the remaining sections accordingly.

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Maxwell asked unanimous consent to be excused. No objections. So ordered.

SPEAKER BROMM PRESIDING

Senator Baker withdrew his amendment.

Advanced to E & R for review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 14. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senators Landis and Loudon asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 15. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Aguilar asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 357. Title read. Considered.

Pending.

STANDING COMMITTEE REPORTS Transportation and Telecommunications

LEGISLATIVE BILL 259. Placed on General File as amended.
Standing Committee amendment to LB 259:
AM0124

- 1 1. Strike original section 1.
- 2 2. On page 3, line 7, strike "74-1414," and strike the
- 3 last comma.
- 4 3. Renumber the remaining sections accordingly.

(Signed) Tom Baker, Chairperson

Revenue

LEGISLATIVE RESOLUTION 2CA. Placed on General File.

LEGISLATIVE BILL 319. Placed on General File as amended.
Standing Committee amendment to LB 319:
AM0112

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 77-1832, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 77-1832. Service of the notice provided by section
- 6 77-1831 shall be made by certified mail, return receipt requested,
- 7 ~~on every person in actual possession or occupancy of the real~~
- 8 ~~property,~~ upon the person in whose name the title to the real
- 9 property appears of record, to the address where the property tax
- 10 statement was mailed and upon every encumbrancer of record in the
- 11 office of the register of deeds of the county, ~~if, upon diligent~~
- 12 ~~inquiry, he or she can be found in the county.~~ Whenever the record
- 13 of a lien shows the post office address of the lienholder, notice
- 14 shall be sent by certified ~~or registered~~ mail, return receipt
- 15 requested, to the holder of such lien at the address appearing of
- 16 record.
- 17 Sec. 2. Section 77-1833, Reissue Revised Statutes of
- 18 Nebraska, is amended to read:
- 19 77-1833. The service of notice provided by section
- 20 77-1832 shall be proved by affidavit, and the notice and affidavit
- 21 shall be filed and preserved in the office of the county treasurer.
- 22 ~~When service of notice has been made upon a lienholder by certified~~
- 23 ~~or registered mail, the~~ The ~~certified or registered~~ mail return
- 24 receipt shall be filed with and accompany the return of service.
- 1 For each service of such notice, a fee of one dollar shall be
- 2 allowed. The amount of such fees shall be noted by the treasurer

3 in the sales book opposite the real property described in the
 4 notice and shall be collected by the treasurer in case of
 5 redemption for the benefit of the holder of the certificate.
 6 Sec. 3. Section 77-1834, Reissue Revised Statutes of
 7 Nebraska, is amended to read:
 8 77-1834. If ~~no person is in actual possession or~~
 9 ~~occupancy of such real property~~ and the person in whose name the
 10 title to the real property appears of record in the office of the
 11 register of deeds in the county cannot, upon diligent inquiry, be
 12 found, ~~in the county~~, then such purchaser or his or her assignee
 13 shall publish the notice in some newspaper published in the county
 14 and having a general circulation therein or, if no newspaper is
 15 printed in the county, then in a newspaper published in this state
 16 nearest to the county in which the real property is situated.
 17 Sec. 4. Original sections 77-1832 to 77-1834, Reissue
 18 Revised Statutes of Nebraska, are repealed.
 19 Sec. 5. Since an emergency exists, this act takes effect
 20 when passed and approved according to law."

LEGISLATIVE BILL 177. Indefinitely postponed.

LEGISLATIVE BILL 373. Indefinitely postponed.

LEGISLATIVE BILL 419. Indefinitely postponed.

(Signed) David Landis, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 451. Placed on General File as amended.

Standing Committee amendment to LB 451:

AM0094

- 1 1. Strike original section 19 and insert the following
- 2 new section:
- 3 "Sec. 36. Since an emergency exists, this act takes
- 4 effect when passed and approved according to law."
- 5 2. On page 3, line 14; and page 57, line 7, after "or"
- 6 insert "following".
- 7 3. On page 7, line 6; and page 61, line 16, strike
- 8 "annuity starting date", show as stricken, and insert "date of
- 9 final account value".
- 10 4. On page 13, line 18, strike "that" and insert "than".
- 11 5. On page 15, line 1, before "date" insert "annuity
- 12 start" and strike the new matter; and in line 28 after "the" insert
- 13 "annuity start"; strike "of" and show as stricken, and strike
- 14 "distribution".
- 15 6. On page 24, line 24; and page 80, line 25, after
- 16 "payment" insert "or payments, except that the entire account must
- 17 be distributed by the fifth anniversary of the member's death".
- 18 7. On page 25, line 3, after "payment" insert "or
- 19 payments, except that the entire account must be distributed by the

- 20 fifth anniversary of the member's death"; and in line 8 before
 21 "date" insert "annuity start" and strike the new matter.
 22 8. On page 31, line 16, strike "seven", show as
 23 stricken, and insert "eight".
 24 9. On page 49, strike beginning with "(a)" in line 1
 1 through "birthday" in line 4, show as stricken, and insert "the
 2 date of the deceased member's death".
 3 10. On page 69, line 18, before "date" insert "annuity
 4 start" and strike the new matter.
 5 11. On page 70, line 17, after "the" insert "annuity
 6 start", strike "of" and show as stricken, and strike
 7 "distribution".
 8 12. On page 74, line 8, before "date" insert "annuity
 9 start" and strike the new matter.
 10 13. On page 80, line 24, strike "beneficiaries are" and
 11 insert "beneficiary is".
 12 14. On page 81, line 4, after "payment" insert "or
 13 payments, except that the entire account must be distributed by the
 14 fifth anniversary of the member's death"; and in line 9 strike
 15 "79-916,".
 16 15. Renumber the remaining sections and correct internal
 17 references accordingly.

(Signed) Elaine Stuhr, Chairperson

NOTICE OF COMMITTEE HEARINGS
Transportation and Telecommunications
 Room 1113

LB 296	Monday, February 10, 2003 (cancel)	1:30 p.m.
LB 296	Tuesday, March 4, 2003 (reschedule)	1:30 p.m.

(Signed) Tom Baker, Chairperson

Business and Labor
 Room 1524

LB 37	Monday, February 10, 2003	1:30 p.m.
LB 229	Monday, February 10, 2003	1:30 p.m.
LB 382	Monday, February 10, 2003	1:30 p.m.
LB 441	Monday, February 10, 2003	1:30 p.m.
LB 688	Monday, February 10, 2003	1:30 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

Government, Military and Veterans Affairs
 Room 1507

LB 115	Wednesday, February 12, 2003	1:30 p.m.
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LB 607	Wednesday, February 12, 2003	1:30 p.m.
LB 646	Wednesday, February 12, 2003	1:30 p.m.
LB 647	Wednesday, February 12, 2003	1:30 p.m.
LB 307	Thursday, February 13, 2003	1:30 p.m.
LB 626	Thursday, February 13, 2003	1:30 p.m.
LB 770	Thursday, February 13, 2003	1:30 p.m.
LB 430	Friday, February 14, 2003	1:30 p.m.
LB 521	Friday, February 14, 2003	1:30 p.m.
LB 605	Friday, February 14, 2003	1:30 p.m.
LB 727	Friday, February 14, 2003	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 30, 2003, at 10:15 a.m. were the following: LBs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 67e, 68, 70e, 71, 103, 106, 137e, and 182.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

MOTION - Print in Journal

Senator Beutler filed the following motion to LB 105:
Withdraw LB 105.

UNANIMOUS CONSENT - Add Cointroducers

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 192. No objections. So ordered.

Senator Engel asked unanimous consent to have his name added as cointroducer to LB 271. No objections. So ordered.

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 279. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 391. No objections. So ordered.

Senator Kremer asked unanimous consent to have his name added as cointroducer to LB 656. No objections. So ordered.

VISITORS

Visitors to the Chamber were Bob Stritzke from Fairbury; Rod Storm and

Scott Bovick from Blair; Phyllis Schoenholtz from Hebron; Leanne Manning, Randy Pryor, and Eric Stehlik from the Saline County Extension Office and Terry Hejny from the Fillmore County Extension Office; and 13 fourth-grade students and teacher from St. John's Lutheran School, Seward.

The Doctor of the Day was Brad Hupp from Albion.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Mines, the Legislature adjourned until 9:00 a.m., Friday, January 31, 2003.

Patrick J. O'Donnell
Clerk of the Legislature